

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KATHERINE MOUSSOURIS, HOLLY
MUENCHOW, and DANA PIERMARINI, on
behalf of themselves and a class of those
similarly situated,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

Case No. 2:15-cv-01483-JLR

**STIPULATION AND ~~PROPOSED~~
ORDER TO SEAL ORDER
GRANTING IN PART AND DENYING
IN PART DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT (DKT.
NO. 510)**

STIPULATION AND ~~PROPOSED~~ ORDER TO
SEAL ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT'S MSJ
Case No. 2:15-CV-01483-JLR

ORRICK, HERRINGTON & SUTCLIFFE LLP
701 Fifth Avenue, Suite 5600
Seattle, Washington 98104-7097
+1-206-839-4300

On July 11, 2018, this Court issued an Order Granting in Part and Denying in Part Defendant's Motion for Summary Judgment ("Order"). Dkt. No. 510. The Court directed the Clerk to provisionally file this Order under seal and ordered the parties to meet and confer regarding the need for redaction. *Id.* The Court further ordered the parties to jointly file a statement within ten days of the date of the Order to indicate any need for redaction. *Id.*

STIPULATION

Pursuant to the Court's Order, Plaintiffs Katherine Moussouris, Holly Muenchow, and Dana Piermarini, and Defendant Microsoft Corporation, by and through their respective counsel, stipulate and agree as follows:

Identifying Information of Comparators

Portions of the Order reveal identifying information of non-party comparators. Dkt. No. 510 at 6:3, 8:17-18, 8:21-22, 9:2, 9:5, 9:7, 9:9-11, 13:14-15, 13:17, 13:19-20, 14:2-3, 14:5-8, 17:1-4, 19:15-18, 19:20-22, 20:1-2, 32:17, 32:20-22, 33:2-3, 33:5, 33:7-8, 33:10, 33:12, 33:17-18, 33:20-22, and 34:2. Microsoft previously offered multiple bases for sealing non-party identifying information. Dkt. Nos. 269 at 5-7; 283 at 7; 358 at 6:10-7:3; and 452 at 2-3 (incorporated herein by reference). The Special Master granted Microsoft's requests to seal certain identifying information of non-parties, including comparators, and the Court adopted each of the Special Master's Reports and Recommendations. Dkt. Nos. 351 at 13, 16, 26-38, 44, and 48 (Report and Recommendation); 369 (Order adopting Report and Recommendation); 462 at 13:12-15; *id.* at 14-16, 18-19, 24, 26-32, 34, and 35; 468 at 5 (Supplemental Report and Recommendation); 469 (Order adopting Report and Recommendation); 470 (Order adopting Supplemental Report and Recommendation). In accordance with these rulings, certain identifying information of third party comparators has been redacted, and the parties agree the portions of the Court's Order identified above should be redacted. These proposed redactions are reflected in the attached copy of the Order.

1 **Diversity and Inclusion Strategy**

2 A portion of the Order quotes a document that was previously sealed by this Court
 3 because it sets out Microsoft's internal reactions to comments about its diversity and inclusion
 4 strategy. Dkt. No. 510 at 49:19-20. Specifically, the Order quotes MSFT_278390, a
 5 PowerPoint entitled FY 15 D&I Core Priorities and Action Plan. *Id.*; MSFT_278390 at 8.
 6 Microsoft previously provided bases for sealing information concerning diversity and
 7 inclusion strategy. Dkt. No. 269 at 9-12 (incorporated herein by reference). The Special
 8 Master's February 16, 2018 Report and Recommendation on Motions to Seal granted
 9 Microsoft's request to seal MSFT_278390 and the Court adopted her Report and
 10 Recommendation. *See* Dkt. Nos. 351 at 29 (Report and Recommendation); 391 (Order
 11 adopting Report and Recommendation). For these same reasons, the parties agree that the
 12 Court should seal the information regarding internal reactions to comments about Microsoft's
 13 diversity and inclusion strategy as set out in the accompanying copy of the Order.

14 **OFCCP Proceedings**

15 A portion of the Order reveals details regarding ongoing OFCCP proceedings that are
 16 not known to the public. Dkt. No. 510 at 49:22 and 50:1. Microsoft previously offered
 17 multiple bases for sealing OFCCP-related information. Dkt. Nos. 269 at 8:8-9:15; 280 at 2:11-
 18 4:2; 358 at 6:10-7:3; and 452 at 5:1-7 (incorporated herein by reference). The Special Master
 19 granted Microsoft's requests to seal information regarding ongoing OFCCP proceedings and
 20 the Court adopted each of her Reports and Recommendations. Dkt. Nos. 351 at 20:3-21:7,
 21 27:5-9, 29:9-14, and 35:21-27; 369; 463 at 6:18-22 and 9:5-8; 490. To date, materials
 22 submitted to the Court that include details regarding the OFCCP proceedings unknown to the
 23 public have been submitted under seal in accordance with these rulings. For these reasons, the
 24 parties agree that the Court should seal the information regarding ongoing OFCCP
 25 proceedings as set out in the accompanying copy of the Order.

26 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.
 27
 28

1 Dated: July 23, 2018

2 By: /s/ Michael Subit

3 Michael Subit (Wash. Bar No. 29189)
4 FRANK FREED SUBIT & THOMAS LLP
5 705 Second Avenue, Suite 1200
6 Seattle, WA 98104
7 Telephone: (202) 682-6711
8 Facsimile: (202) 682-0401
9 E-Mail: msubit@frankfreed.com

10 Kelly M. Dermody (admitted *pro hac vice*)
11 Anne B. Shaver (admitted *pro hac vice*)
12 Michael Levin-Gesundheit (admitted *pro hac vice*)
13 Tiseme Zegeye (admitted *pro hac vice*)
14 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
15 275 Battery Street, 29th Floor
16 San Francisco, CA 94111-3339
17 Telephone: (415) 956-1000
18 Facsimile: (415) 956-1008
19 E-Mail: kdermody@lchb.com
20 E-Mail: ashaver@lchb.com
21 E-Mail: mlevin@lchb.com
22 E-Mail: tzegeye@lchb.com

23 Sharon M. Lee (Wash. Bar No. 37170)
24 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
25 2101 Fourth Avenue, Suite 1900
26 Seattle, WA 98121
27 Telephone: (206) 739-9059
28 Facsimile: (415) 956-1008
E-Mail: slee@lchb.com

Rachel J. Geman (admitted *pro hac vice*)
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
250 Hudson Street, 8th floor
New York, NY 10013-1413
Telephone: (202) 355-9500
Facsimile: (202) 355-9592
E-Mail: rgeman@lchb.com

Adam T. Klein (admitted *pro hac vice*)
Ossai Miazad (admitted *pro hac vice*)
Michael Danna (admitted *pro hac vice*)
OUTTEN & GOLDEN LLP
3 Park Avenue, 29th Floor
New York, NY 10016
Telephone: (212) 245-1000
Facsimile: (212) 977-4005
E-Mail: ATK@outtengolden.com
E-Mail: OM@outtengolden.com
E-Mail: mdanna@outtengolden.com

Attorneys for Plaintiffs and the proposed Class

STIPULATION AND ~~PROPOSED~~ ORDER TO
SEAL ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT'S MSJ

Case No. 2:15-CV-01483-JLR

1 Dated: July 23, 2018

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2
3 By: *s/Mark S. Parris*
s/Lynne Hermle
s/Jessica R. Perry

4 Mark S. Parris (WSBA No. 13870)
mparris@orrick.com

5
6 701 Fifth Avenue
Suite 5600
7 Seattle, Washington 98104
Telephone: +1-206-839-4300
8 Facsimile: +1-206-839-4301
Attorneys for Defendant

9 Lynne C. Hermle (Admitted *pro hac vice*)
lhermle@orrick.com

10 Jessica R. Perry (Admitted *pro hac vice*)
jperry@orrick.com

11
12 1000 Marsh Road
13 Menlo Park, California 94025
Telephone: 650-614-7400
14 Facsimile: 650-614-7401

15 Dated: July 23, 2018

MICROSOFT CORPORATION

16
17 By: *s/David Howard*

18 David Howard (WSBA No. 45211)
Corporate Vice President and Deputy General
19 Counsel, Litigation
dhoward@microsoft.com

20 1 Microsoft Way
Redmond, Washington 98052
21 Telephone: +1-425-704-8685
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2018, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of the filing to all counsel of record.

DATED: July 23, 2018

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: s/Mark S. Parris

Mark S. Parris (WSBA No. 13870)
mparris@orrick.com

701 Fifth Avenue, Suite 5600
Seattle, WA 98104-7097
Telephone: 206-839-4300
Facsimile: 206-839-4301

1592522.1

The Honorable James L. Robart

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~~PROPOSED~~ ORDER TO SEAL
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per

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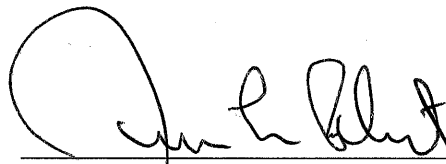
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1 This matter comes before the Court on the parties' Stipulation to Seal Order Granting
2 in Part and Denying in Part Defendant's Motion for Summary Judgment (Dkt. No. 510)
3 ("Stipulation"). Having considered the stipulation and all other matters properly before the
4 Court, and compelling reasons appearing therefore, the Court rules as follows:

5 **IT IS HEREBY ORDERED THAT** the parties' Stipulation is **GRANTED**. The
6 Order Granting in Part and Denying in Part Defendant's Motion for Summary Judgment (Dkt.
7 No. 510) shall remain sealed at pages 6:3, 8:17-18, 8:21-22, 9:2, 9:5, 9:7, 9:9-11, 13:14-15,
8 13:17, 13:19-20, 14:2-3, 14:5-8, 17:1-4, 19:15-18, 19:20-22, 20:1-2, 32:17, 32:20-22, 33:2-3,
9 33:5, 33:7-8, 33:10, 33:12, 33:17-18, 33:20-22, 34:2, 49:19-20, 49:22, and 50:1, as reflected in
10 the redacted copy of the Order attached to the Parties' Stipulation. (Dkt. #512) *JJR*

11
12 **IT IS SO ORDERED.**

13 Dated this 24th day of July 2018


The Honorable James J. Robart
UNITED STATES DISTRICT JUDGE

1 Dated: July 23, 2018

2 By: /s/ Michael Subit

3 Michael Subit (Wash. Bar No. 29189)
4 FRANK FREED SUBIT & THOMAS LLP
5 705 Second Avenue, Suite 1200
6 Seattle, WA 98104
7 Telephone: (202) 682-6711
8 Facsimile: (202) 682-0401
9 E-Mail: msubit@frankfreed.com

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15 275 Battery Street, 29th Floor
16 San Francisco, CA 94111-3339
17 Telephone: (415) 956-1000
18 Facsimile: (415) 956-1008
19 E-Mail: kdermody@lchb.com
20 E-Mail: ashaver@lchb.com
21 E-Mail: mlevin@lchb.com
22 E-Mail: tzegeye@lchb.com

23 Sharon M. Lee (Wash. Bar No. 37170)
24 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
25 2101 Fourth Avenue, Suite 1900
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27 Telephone: (206) 739-9059
28 Facsimile: (415) 956-1008
E-Mail: slee@lchb.com

Rachel J. Geman (admitted *pro hac vice*)
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
250 Hudson Street, 8th floor
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Facsimile: (202) 355-9592
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3 Park Avenue, 29th Floor
New York, NY 10016
Telephone: (212) 245-1000
Facsimile: (212) 977-4005
E-Mail: ATK@outtengolden.com
E-Mail: OM@outtengolden.com
E-Mail: mdanna@outtengolden.com

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4 Mark S. Parris (WSBA No. 13870)
mparris@orrick.com

5 701 Fifth Avenue
6 Suite 5600
7 Seattle, Washington 98104
8 Telephone: +1-206-839-4300
Facsimile: +1-206-839-4301
Attorneys for Defendant

9 Lynne C. Hermle (Admitted *pro hac vice*)
lchermle@orrick.com

10 Jessica R. Perry (Admitted *pro hac vice*)
11 jperry@orrick.com

12 1000 Marsh Road
13 Menlo Park, California 94025
14 Telephone: 650-614-7400
Facsimile: 650-614-7401

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MICROSOFT CORPORATION

16
17 By: *s/David Howard*

18 David Howard (WSBA No. 45211)
19 Corporate Vice President and Deputy General
Counsel, Litigation
dhoward@microsoft.com

20 1 Microsoft Way
21 Redmond, Washington 98052
22 Telephone: +1-425-704-8685
23
24
25
26
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